

REMARKS

Claims 1-7 are pending in the current application. Claims 1, 6 and 7 are in independent form. Claims 1, 4 and 6 are amended. Claim 7 is newly-added. In view of the above amendments and the following remarks, favorable reconsideration and allowance of the present application is respectfully requested.

Initially, Applicant appreciates the Examiner's acknowledgment that all certified copies pertaining to foreign priority claimed under 35 U.S.C. §119 have been received, and the indication that the references submitted in the Information Disclosure Statements filed on June 3, 2005, June 27, 2005 and April 16, 2009 have been considered.

I. **CLAIM AMENDMENTS**

By the present Amendment, claims 1, 4 and 6 are amended, and claim 7 is newly-added. Claims 1, 4 and 6 are amended to address the objections and rejections discussed below, as well as other grammatical errors recognized by the Applicant. Newly-added claim 7 is supported, at least, by original claim 1, and pages 4 lines 29-33 of the original Specification.

Thus, Applicant submits that the claim amendments do not introduce new matter.

II. CORRECTED DRAWINGS

The Action states that new corrected drawings of Figs. 1 and 4-13 are required because the figures contain black and shaded images, which are not permitted.

As requested, Applicant is in the process of obtaining the corrected drawings.

III. DRAWING OBJECTION

The drawings stand objected to for not showing every feature of the invention specified in the claims. Namely, the objection states that "...the sheath recited in claim 4, per page 5, lines 17-19, must be shown or the feature(s) canceled from the claim(s)." Action, p. 2.

By the present Amendment, Applicant has removed the "sheath" from claim 4.

Thus, the objection is overcome. Withdrawal is thus respectfully requested.

IV. CLAIM OBJECTIONS

Claims 1 and 6 stand objected to due to informalities. In particular, the objection states that "an stiffness" should be changed to "a stiffness" in claims 1 and 6, and a colon should be after the transitional term "comprising."

By the present Amendment, claims 1 and 6 have been amended to recite “a stiffness,” and claim 1 is amended to include a colon after the term “comprising.”

Thus, reconsideration and withdrawal of the claim objections are respectfully requested.

V. 35 U.S.C. §112, SECOND PARAGRAPH REJECTION

Claim 4 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the rejection states that it is unclear as to what the term “substantially” means in the context of “...comprises a substantially double cone...” Action, p. 3.

By the present Amendment, the term “substantially” has been removed from claim 4. Thus, reconsideration and withdrawal of the rejection is respectfully requested.

VI. CITED ART REJECTION

(A) *Claims 1-6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson et al. (hereinafter “Anderson”), U.S. Publication No. 2002/0168618. Applicant respectfully traverses this rejection.*

i. INDEPENDENT CLAIM 1

Amended independent claim 1 is directed to an interventional procedure simulation system wherein (*inter alia*) “the control unit is

configured to simulate said instrument with respect to a set value representing a stiffness of said vessel, a rest diameter of said self expanding tool, an initial inner diameter of said vessel and a spring constant for said tool." Applicant submits that Anderson fails to explicitly teach, or otherwise suggest, the above features recited in amended independent claim 1.

First, the rejection states that,

Anderson et al. does not disclose a set value for representing an stiffness of said vessel, a rest diameter of said self expanding tool, a vessel initial inner diameter and spring constant for said tool.

At the time the invention was made, it would have been obvious matter of design choice to a person of ordinary skill in the art to have a set value for representing an stiffness of said vessel, a rest diameter of said self expanding tool, a vessel initial inner diameter and spring constant for said tool because Applicant has not disclosed that having a set value for representing an stiffness of said vessel, a rest diameter of said self expanding tool, a vessel initial inner diameter and spring constant for said tool provides an advantage, is used for a particular purpose, or solves a stated problem.

Action, p. 4-5 (emphasis added).

However, referring to Example 1, the instant Specification states that,

The stent is pressed on top of a hollow tube, which runs on top of a wire, and covered, by a sheath. The stent is not attached to the underlying tube. When the covering sheath is retracted, the stent opens gradually and takes a predefined diameter (in a vessel this diameter is the maximum, and will be less if the vessel walls press the stent together). When the sheath is fully retracted, the stent will be totally detached from the sheath and underlying tube, and pressed against the vessel walls. There is no way of retrieving the stent itself.

Specification, pg. 5, ll. 11-13.

Referring to Example 2, the instant Specification states that,

The simulator program has a number of initial values: a rest expansion diameter for the self expanding instrument

expansion-diameter, the vessel initial inner diameter (at the simulated part), spring constant for the self expansion instrument and a vessel stiffness. These parameters determine how the simulator sets the boundaries for the expansion of the instrument and (simulated part) of the vessel.

Specification, pg. 5, l. 35- p. 6, l. 5.

Thus, page 5, line 9 - page 6, line 14 of the Specification describes the need to consider such parameters when running the simulation.

Secondly, the rejection states that “[o]ne of ordinary skill in the art, furthermore, would have expected Anderson’s system, and applicant’s invention, to perform equally well with either the altering of parameters taught by Anderson or the claimed a set value for representing an stiffness of said vessel, a rest diameter of said self expanding tool, a vessel initial inner diameter and spring constant for said tool because both sets of parameters would perform the same function of altering the parameters in order to test or evaluate the system.” Action, p. 5.

However, as acknowledged by the Examiner, Anderson fails to disclose that the system processor is configured to simulate a set value for representing a stiffness of said vessel, a rest diameter of said self expanding tool, a vessel initial inner diameter and spring constant for said tool.

Furthermore, absent Applicants’ own disclosure, there is no suggestion that the system processor of Anderson is configured to simulate the aforementioned parameters.

For at least these reasons, Anderson fails to explicitly teach, or otherwise suggest, an interventional procedure simulation system wherein “the control unit is configured to simulate said instrument with respect to a

set value representing a stiffness of said vessel, a rest diameter of said self expanding tool, an initial inner diameter of said vessel and a spring constant for said tool” as recited in amended independent claim 1.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection to independent claim 1, and claims 2-5 at least by virtue of their dependency on independent claim 1.

ii. INDEPENDENT CLAIM 6

Independent claim 6 is directed to a method of simulating an interventional procedure simulation system including “simulating said at least one instrument with respect to a set value representing a stiffness of said simulated vessel, a rest diameter of said self expanding tool, an initial inner diameter of said simulated vessel and a spring constant for said self expanding tool.” Thus, independent claim 6 is patentable over Andersen for similar reasons as given above with respect to independent claim 1.

As such, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection to independent claim 6.

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CONCLUSION

Accordingly, in view of the above, reconsideration of the objections and rejections and allowance of each of claims 1-7 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant hereby petitions for a three (3) month extension of time for filing a reply to the outstanding Office Action and submit the required \$550.00 extension fee herewith.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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